

CARLISLE PLANNING BOARD

MINUTES

APRIL 10, 1989

Present: Ms. Sillers; Ms. Chaput; Mr. Sherr; Mr. Davis; Mr. Tobin; Mr. Foote; Ms. Hughes; Mrs. Olden, Administrative Planning Assistant

Bills

The Planning Board authorized payment of bills as presented.

Cranberry Hill Covenant

On motion by Mr. Foote seconded by Mr. Hughes, the Board voted unanimously to sign the Covenant dated February 27, 1989, presented in connection with the approved definitive plan entitled "Cranberry Hill Lane, Carlisle, MA" for: Moschini, designed by Stamski & McNary, Inc., Sheets 1-8, dated September 23, 1988, Revised October 21, 1988; December 9, 1988, December 21, 1988; January 4, 1989; January 19, 1989; February 2, 1989; and February 6, 1989.

T. Treibick Request

Discussion of this item was continued to later in the meeting.

Road Acceptances

At 8:17 p.m., Chairman Sillers called to order the public hearing on a proposal that the Selectmen lay out and the Town accept Elizabeth Ridge Road continued from March 27, 1989. After Mrs. Olden reported that the owner is proceeding with the outstanding items, the Board noted that they anticipate success in completing the outstanding items. At 8:24 p.m., Chairman Sillers continued the public hearing to April 24, 1989, at 8:15 p.m.

At 8:24 p.m., Chairman Sillers called to order the public hearing on a proposal that the Selectmen lay out and the Town accept Patch Meadow Road continued from March 27, 1989. After a representative of the owner reported that the owner is proceeding with the outstanding items, the Board noted that they anticipate success in completing the outstanding items. At 8:25 p.m., Chairman Sillers continued the public hearing to April 24, 1989, at 8:20 p.m.

Vacation

Mrs. Olden reported that she will be on vacation from May 9 to May 19, 1989.

Proposed Accessory Apartment Zoning Bylaw

At 8:30 p.m., Chairman Sillers called to order the public hearing on the following proposed accessory apartment zoning bylaw:

3.3.11 An "accessory apartment" is a distinct portion of a detached single-family dwelling, having its own kitchen and bathroom facilities, and subordinate in size to the principal part of said dwelling.

3.2.1.12 One accessory apartment within a single-family residence on a lot having an area of two (2) acres or more, provided:

3.2.1.12.1. PURPOSE - The Carlisle Housing Authority has determined a need to increase the availability of moderate sized and moderately priced housing for town employees, young people, elderly people, people of low and moderate income, and dependent relatives of town residents. The purpose of this bylaw is to create a stock of such housing by permitting the creation of accessory apartments.

At the same time, recognizing Carlisle's limited water resources, the potential increase in Carlisle's ultimate development density has been circumscribed by limiting the fraction of the homes on small lots in which accessory apartments may exist. Currently one single-family dwelling unit is permitted on a two-acre lot. It is presumed that an average two-bedroom accessory apartment impacts Carlisle's water resources half as much as an average single-family dwelling unit. Hence, only those accessory apartments located on lots smaller than three acres will place demands on Carlisle's water resources which are greater than those now permitted. The number of such apartments, therefore, is limited so that the increase in the permitted impact on the availability of water resources is minimal and is offset by the public benefit identified by the Carlisle Housing Authority and afforded by this permitted use.

3.2.1.12.2 Notice of said accessory apartment is filed with both the Carlisle Building Commissioner and the Carlisle Housing Authority.

3.2.1.12.3 Said apartment occupies less than 35% of the total finished living area of said house, to be determined from assessors' records.

3.2.1.12.4 Said apartment has an area of less than 1200 square feet.

3.2.1.12.5 The number of bedrooms shall not exceed two

(2) if the area of the lot is less than 4 acres.

3.2.1.12.6 No more than five percent of the lots in Carlisle having an area of less than three acres size may have accessory apartments.

3.2.1.12.7 The owner of said house occupies either the accessory apartment or the rest of said house.

3.2.1.12.8 The external appearance of said house is that of a single family residence.

Several members of the public participated in the ensuing discussion, including Frank Miller, Nadine Bishop, Kathy Lemire, Kay Kulmala, Craig Servo, and Edna Stacey, along with Selectman Tom Raftery. During the discussion, several changes in the text of the bylaw were considered.

At 9:40 p.m., the Board postponed further action on the matter until later in the meeting in order to conduct scheduled public hearings.

Ice Pond Road

At 9:40 p.m., Chairman Sillers called to order the following public hearings continued from March 27, 1989: on the application of Charles Boiteau for approval of two (alternative) Definitive Plans for property located north of East Street, the plans entitled respectively "Ice Pond Road - 1000 Ft." and "Ice Pond Road -- 1070 Ft.", with each plan showing one lot; on the application of Charles Boiteau for a Special Permit for a Conservation Cluster pursuant to Section 5.5 of the Carlisle Zoning Bylaws for property known as "Ice Pond Road" on a Definitive Plan submitted concurrently with the Special Permit application; and on the application of Charles Boiteau for Special Permits for two Common Driveways ("A" and "B") pursuant to Section 5.4 of the Carlisle Zoning Bylaws for property known as "Ice Pond Road" on a Definitive Plan submitted concurrently with the Special Permit applications.

The Board noted that they have not received a letter of approval from the Board of Health. After brief discussion, the Board instructed Mrs. Olden to send Conservation Restriction material to Mr. Boiteau. At 9:47 p.m., Chairman Sillers continued the public hearings to April 24, 1989, at 8:30 p.m.

Proposed Accessory Apartment Zoning Bylaw

At 9:47 p.m., Chairman Sillers reopened discussion of the proposed accessory apartment zoning bylaw. On motion by Mr. Foote seconded by Mr. Sherr, the Planning Board voted unanimously to recommend that the Selectmen move the article to amend the zoning bylaw to add the accessory apartment zoning bylaw at Town Meeting and to recommend Town Meeting approval of the following text:

Proposed Special Permit Bylaw

5.6. Accessory Apartments

5.6.1. Purpose

To increase the availability of moderately priced housing for town employees, the young, the elderly, people of low and moderate income, and dependent relatives of town residents by permitting the creation of accessory apartments by:

5.6.1.1. Providing an opportunity for homeowners who can no longer physically or financially maintain their single family home to remain in homes that they might otherwise be forced to leave;

5.6.1.2. Making housing units available to low and moderate income households who might otherwise have difficulty finding homes within the town;

5.6.1.3. Provide a variety of housing to meet the needs of its residents;

5.6.1.4. Protect stability, property values, and the single-family residential character of a neighborhood; and

5.6.1.5. Legalize conversions to encourage the Town to monitor conversions for compliance with the State Building Code.

5.6.2. Considerations

The Town has limited water resources, lacks a significant aquifer, does not have municipal water and sewage systems, and as a result, must be sensitive to the burden and impact of any increase in housing density. Limiting the number of the accessory apartments is intended to minimize the impact on those finite resources, although the scope of the impact hereunder is believed to be offset by the public benefit afforded by this permitted use.

5.6.3. Definitions

An "accessory apartment" is a distinct portion of a single-family dwelling, having its own kitchen and bathroom facilities, and subordinate in size to the principal part of said dwelling.

5.6.4. Special Permits

An owner or owners of a single-family dwelling may apply to the Planning Board for a special permit for the construction and occupancy of one (1) accessory apartment in a single-family dwelling, the accessory apartment thus created being hereinafter referred to in this subsection 5.6 as an apartment.

5.6.5. Procedure

The Planning Board shall notify the Board of Health of the application for a special permit hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a special permit under this Section upon findings that the request is compatible with the purpose of this Section, meets the minimum requirements hereunder.

After notice and public hearing as may be required by the General Laws of the Commonwealth, the Planning Board may grant such a special permit for the creation of an accessory apartment provided that:

5.6.5.1. no more than 75 special permits for accessory apartments may be issued and outstanding at any time;

5.6.5.2. the apartment is accessory to the principal residence and will be a complete, separate housekeeping unit that functions as a separate unit from the original single-family dwelling;

5.6.5.3. the finished living area of the apartment does not exceed 1200 square feet;

5.6.5.4. the finished living area of the apartment is less than 35% of the combined finished living area of the principal residence and the proposed apartment, as measured after conversion;

5.6.5.5. either the apartment or the principal residence is occupied by the owner(s) of the lot on which the apartment is to be located, except for bona fide temporary absences. If the lot on which the apartment is to be located is owned by the Town of Carlisle, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures

thereon continue to be owned by the Town of Carlisle;

5.6.5.6. adequate provision has been made for the disposal of sewage, waste and drainage generated by the occupancy of such apartment in accordance with the requirements of the Commonwealth or the Carlisle Board of Health, whichever is applicable;

5.6.5.7. in consideration of the neighborhood and the existing access to the street of the single family dwelling adequate provision has been made for ingress and egress to the apartment from said street;

5.6.5.8. the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property;

5.6.5.9. the lot on which the apartment and principal residence are located contains at least two (2) acres;

5.6.5.10. no more than two bedrooms are allowed for lots less than three (3) acres in area;

5.6.5.11. the primary residence is not located in a Conservation Cluster as defined above;

5.6.5.12. adequate provision has been made for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence;

5.6.5.13. there is no other apartment on the lot on which the apartment is to be located;

5.6.5.14. The external appearance of said house before or after the creation of the apartment is that of a single family residence. In general, any new entrances shall be located on the side or rear of the building; and

5.6.5.15. The construction of any accessory apartment must be in conformity with the State Building Code requirements.

5.6.6. No accessory apartment shall be used unless the owner or owners of the building have a permit issued hereunder or as otherwise provided in the Bylaws. The renewal of any accessory apartment permit previously granted shall not be denied by reason of amendments to

Section 5.6 after the granting of the original permit, notwithstanding the failure of the apartment to conform to said Section as thus amended.

5.6.7. A special permit granted under this Section 5.6 shall lapse if, within one (1) year from the grant thereof (not including such time as is required to pursue or await the determination of an appeal) a substantial use of the permit has not sooner commenced except for good cause.

5.6.8. The special permit shall not become effective until a copy, certified by the Town Clerk as provided by Chapter 40A, Section 11 of the General Laws, has been recorded with Middlesex North District Registry of Deeds.

5.6.9. The special permit authorizing an accessory apartment shall terminate upon the sale of the property or transfer of title of the building; provided, however, that a sale or transfer of title shall not dispossess the then resident(s) of the accessory apartment of their tenancy. The new owner or owners may apply for a reapproval of the special permit which, if the Planning Board finds that conditions at the time of the original application remain substantially unchanged, shall be approved without a hearing. A special permit granted hereunder shall not terminate upon a transfer of title which converts an owner's individual title to a tenancy by the entirety or a joint tenancy for the owner and his or her spouse or to otherwise provide for said spouse to share in the ownership of the property.

5.6.10. The Planning Board shall adopt reasonable rules and regulations for the submission of applications for a special permit hereunder. Said rules and regulations shall be concise, easily understood and will contain a step by step explanation of the procedure to obtain the special permit. In order to assure that such rules and regulations may be easily understood and followed, the Planning Board will submit them to and consult with the Housing Authority, the Council on Aging, the Building Inspector, the Board of Health and the Selectmen and allow a reasonable time before adoption by the Planning Board for such boards to comment.

At 10:10 p.m., Chairman Sillers closed the public hearing.

Request from Theodore Treibick

After considering a request from Theodore Treibick to determine that a lot which he owns does not meet the requirements for a

buildable porkchop lot, the Board decided to reply with regret that such determination is beyond the Board's authority.

Cranberry Hill Covenant To Be Recorded

The Board instructed Mrs. Olden to send to the Registry of Deeds the Cranberry Hill Covenant signed earlier in the meeting.

Photocopier Purchase

After discussion of the need for a photocopier, on motion by Mr. Foote seconded by Ms. Chaput, the Board voted unanimously that Ms. Hughes would attend a Finance Committee meeting to present the need to them and ask for funding.

Chairman Sillers adjourned the meeting at 10:55 p.m.

Respectfully submitted,

Elaine H. Olden
Administrative Planning Assistant